

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
DETROIT DIVISION**

STACY KERENTOFF,)	Case No.:
)	
Plaintiff,)	
)	Hon.
v.)	
)	
DELANOR KEMPER & ASSOCIATES,)	Demand for Jury Trial
LLC,)	
)	
Defendant.)	

COMPLAINT AND JURY DEMAND

Plaintiff, STACY KERENTOFF (Plaintiff), through her attorneys, KROHN & MOSS, LTD., alleges the following against Defendant, DELANOR KEMPER & ASSOCIATES, LLC (Defendant):

INTRODUCTION

1. Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).
2. Count II of Plaintiff's Complaint is based on the Michigan Occupational Code, *Mich. Comp. Law 339.901 et seq.* (MOC).

JURISDICTION AND VENUE

3. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
4. Defendant conducts business in the state of Michigan, and therefore, personal jurisdiction is established.
5. Venue is proper pursuant to *28 U.S.C. 1391(b)(2)*, "a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred..."

PARTIES

6. Plaintiff is a natural person residing in Blissfield, Lenawee County, Michigan.
7. Plaintiff is a consumer as that term is defined by *15 U.S.C. 1692a(3)* and *Mich. Comp. Law § 339.901(f)*, and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)* and *Mich. Comp. Law § 339.901(a)*.
8. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)* and *Mich. Comp. Law § 339.901(b)*, and sought to collect a consumer debt from Plaintiff.
9. Defendant is a collection agency with a business office in Atlanta, Georgia.
10. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

FACTUAL ALLEGATIONS

11. Defendant places constant and continuous collection calls to Plaintiff seeking and demanding payment for an alleged debt.
12. Defendant has been placing collection calls to Plaintiff two to three times a day for nearly six months.
13. When Plaintiff offered to make a payment of twenty dollars a month, she was told by Defendant's representative, Julie, that the minimum payment must be at least one hundred dollars or Defendant would garnish Plaintiff's wages.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

14. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692d of the FDCPA by engaging in conduct that the natural consequences of which was to harass, oppress, and abuse Plaintiff in

connection with the collection of an alleged debt.

- b. Defendant violated §1692d(5) of the FDCPA by causing a telephone to ring repeatedly and continuously with the intent to annoy, abuse, and harass Plaintiff.
- c. Defendant violated §1692e(4) of the FDCPA by threatening Plaintiff with wage garnishment.
- d. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt by threatening Plaintiff with wage garnishment.

WHEREFORE, Plaintiff, STACY KERENTOFF, respectfully requests judgment be entered against Defendant, DELANOR KEMPER & ASSOCIATES, LLC, for the following:

- 15. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*,
- 16. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, *15 U.S.C. 1692k*, and
- 17. Any other relief that this Honorable Court deems appropriate.

COUNT II
DEFENDANT VIOLATED THE MICHIGAN OCCUPATIONAL CODE

- 18. Plaintiff repeats and realleges all of the allegations in Count I of Plaintiff's Complaint as the allegations in Count II of Plaintiff's Complaint.
- 19. Defendant willfully violated the MOC based on the following:
 - a. Defendant violated §339.915(n) of the MOC by using a harassing, oppressive, or abusive method to collect a debt.
 - b. Defendant violated §339.915(f)(i) of the MOC by threatening Plaintiff with wage garnishment.

WHEREFORE, Plaintiff, STACY KERENTOFF, respectfully requests judgment be entered against Defendant, DELANOR KEMPER & ASSOCIATES, LLC, for the following:

20. Statutory damages of \$150.00 pursuant to the Michigan Occupational Code, *Mich. Comp. Law* § 339.916(2),
21. Costs and reasonable attorneys' fees pursuant to the Michigan Occupational Code, *Mich. Comp. Law* § 339.916(2), and
22. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, STACY KERENTOFF, demands a jury trial in this case.

DATED: December 15, 2010

RESPECTFULLY SUBMITTED,
KROHN & MOSS, LTD.

By: /s/Michael S. Agruss

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VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF MICHIGAN

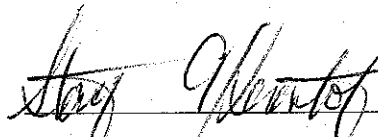
Plaintiff, STACY KERENTOFF, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.
6. Each and every exhibit I have provided to my attorneys which has been attached to this Complaint is a true and correct copy of the original.
7. Except for clearly indicated redactions made by my attorneys where appropriate, I have not altered, changed, modified or fabricated these exhibits, except that some of the attached exhibits may contain some of my own handwritten notations.

Pursuant to 28 U.S.C. § 1746(2), I, STACY KERENTOFF, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

11/9/2010

Date



STACY KERENTOFF